

### Amendments to the Claims

1. (currently amended) A server for transmitting data over a network to a client having a de-jitter buffer, the server comprising:

a regular path for transmitting data received from a source at a regular rate;

a first buffer in the regular path for buffering data from the source prior to transmission to the client;

a burst path for transmitting data received from the source at a burst rate higher than the regular rate before playout at the client distinct from the regular path at least in part;

a second buffer in the burst path for buffering data from the source prior to transmission to the client, and for transmitting the buffered data to the client at the burst rate before playout at the client; and

a switch for selecting to transmit data from one of the regular path and the burst path.

2. (original) The server of claim 1, further comprising:

a control unit for switching the switch.

3. (original) The server of claim 2, further comprising:

a monitor that measures an amount of the data is output through the burst path, and

wherein the control unit switches the switch when a preset measure of the data is output through the burst path.

4. (previously presented) The server of claim 1, further comprising:

a network bandwidth monitor; and

a controller that controls a fill level of the second buffer according to the monitored bandwidth.

5. (original) The server of claim 1, further comprising:

- a transcoder for transcoding the buffered streaming media output through the burst path.
6. (original) The server of claim 1, further comprising:
- a network bandwidth monitor; and
- a transcoder for transcoding the buffered streaming media output through the burst path if the monitored bandwidth becomes less than a preset bandwidth.
7. (canceled)
8. (canceled)
9. (currently amended) A server for retransmitting streaming media comprising:
- means for receiving a first portion of the streaming media from a source along a first path;
- means for buffering the first portion prior to transmission to a client and outputting the buffered first portion to a the client on the network through the first path at a first rate before playout at the client;
- means for receiving a second portion of the streaming media from the source prior to transmission to the client along a second path distinct from the first path at least in part; and
- means for transmitting the second portion to the client on the network through the second path at a second rate lower than the first rate.
10. (original) The server of claim 9, further comprising:
- means for switching to outputting from the second path, from outputting from the first path.
11. (original) The server of claim 9, further comprising:
- means for storing the first portion.
12. (original) The server of claim 9, further comprising:

means for monitoring a bandwidth of the network; and

means for controlling a size of the first portion according to the monitored bandwidth.

13. (original) The server of claim 9, further comprising:

means for transcoding the first portion.

14. (original) The server of claim 9, further comprising:

means for monitoring a bandwidth of the network; and

means for transcoding the first portion if the monitored bandwidth becomes less than a preset bandwidth.

15. (previously presented) A method for a server to retransmit streaming media comprising:

receiving a first portion of the streaming media from a source along a first path of the server;

buffering the first portion prior to transmission to a client and outputting the buffered first portion to a the client on the network through the first path at a first rate before playout at the client;

receiving a second portion of the streaming media from the source prior to transmission to the client along a second path of the server distinct from the first path at least in part; and

transmitting the second portion to the client on the network through the second path at a second rate lower than the first rate.

16. (original) The method of claim 15, further comprising:

switching the server to outputting from the second path, from outputting from the first path.

17. (original) The method of claim 15, further comprising:

storing the first portion in an initial burst transmit buffer.

18. (original) The method of claim 15, further comprising:  
monitoring a bandwidth of the network; and  
controlling a size of the first portion according to the monitored bandwidth.
19. (original) The method of claim 15, further comprising:  
transcoding the first portion.
20. (original) The method of claim 15, further comprising:  
monitoring a bandwidth of the network; and  
transcoding the first portion if the monitored bandwidth becomes less than a preset  
bandwidth.
- 21.-24. (canceled)